

CITY OF PLEASANT HILL

(925) 671-5209
FAX (925) 676-1125

100 Gregory Lane
Pleasant Hill, CA 94523

SECONDARY UNIT

Application Guide

WHAT IS A SECONDARY UNIT?

The zoning ordinance defines a secondary unit as an additional dwelling unit constructed or adapted within or onto a single-family dwelling on a lot zoned single-family residential or a parcel in a multiple-family residential zone that contains single-family dwelling. Secondary dwelling units shall provide complete independent living facilities for one or more persons and shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary unit is situated.

A secondary unit requires a minor use permit. In reviewing a minor use permit application, the Zoning Administrator will consider such items as building placement and size, compatibility with adjoining properties, and other potential impacts.

Based on the his professional evaluation, plus input from any other interested parties, the Zoning Administrator may then impose various conditions approval with respect to location and other neighborhood compatibility factors. Before the Zoning Administrator makes his final decision, a public hearing is required on each secondary unit application.

WHAT ARE THE SPECIFIC REVIEW CRITERIA FOR A USE PERMIT?

The Zoning Ordinance requires the Zoning Administrator to make specific findings on issues. Positive findings must be made on the following:

1. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be injurious or detrimental to adjacent properties or to property in the neighborhood or to the general welfare of the city; and

3. The proposed use is consistent with the policies and goals established by the general plan.

In addition to the above findings, the Zoning Ordinance requires each secondary unit application meet the standards and conditions as follows:

1. **Minor Use Permit required.** A minor use permit is required for each secondary which is included within the primary structure or directly attached to and exterior wall of the primary structure. Upon receipt of a complete application, the zoning administrator may approve a minor use permit for a secondary unit upon finding that:
 - a. The dwelling conforms to the design and development standards and parking standards established in subsections 3 and 4 below;
 - b. The secondary unit maintains the scale of adjoining residences and is compatible with the design of existing dwellings in the vicinity in terms of building materials, colors and exterior finishes; and
 - c. Public and utility services including emergency access are adequate to serve both dwellings.
2. **Major Use Permit required.** A major use permit is required for each secondary unit which is attached to the primary structure by way of a breezeway or other architectural feature. Upon receipt of an application, the planning commission may approve a major use permit for a secondary unit upon finding the following:
 - a. The dwelling conforms to the design and development standards and parking standards established in subsections 3 and 4 below;
 - b. The secondary unit maintains the scale of adjoining residences and is compatible with the design of existing dwellings in the vicinity in terms of building materials, colors and exterior finishes;
 - c. Public and utility services including emergency access are adequate to serve both dwellings; and
 - d. Due to special circumstances, the secondary unit is better situated on the site by use of a breezeway or other architectural feature to connect it to the primary structure.
3. **Design and development standards**

- a. A secondary dwelling unit shall be within or attached to the primary structure, and shall not exceed 640 square feet in size, nor be less than 160 square feet.
 - b. A secondary unit shall include no more than 1 bedroom, 1 living room, 1 kitchen and 1 bathroom.
 - c. The exterior design shall be in harmony with the immediate neighborhood. Building materials, colors and exterior finished should be substantially the same as those on the existing dwelling.
 - d. Outside access to the secondary unit shall be located or screened so as not to be visible from the abutting street.
 - e. A secondary unit may not be located in a required yard.
4. **Parking.** A minimum of 3 independently accessible, off-street parking spaces shall be required for a lot containing a secondary unit. At least 2 of the parking spaces shall be covered. One of the spaces shall serve the secondary unit. Tandem parking spaces may not be used to meet the minimum parking requirements, nor may a required parking space be provided in the required front yard.
5. **Non-conforming units.** If the existing dwelling unit is a legally non-conforming unit, a secondary unit may be constructed only if the non-conformity is not expanded and the secondary unit meets all current applicable zoning standards.
6. **No subdivision.** No subdivision of land or air rights is authorized that would result in the secondary unit being located on a separate lot.
7. The owner of a parcel containing a secondary dwelling unit shall occupy either the primary or the secondary dwelling unit. The city shall require recordation of a deed restriction providing for this requirement as a condition of the land use permit approval.
8. A secondary dwelling unit constructed or converted without a building permit before adoption of this chapter must obtain a land use permit to legalize the use.
9. There shall not be more than one secondary unit on any parcel.

WHAT ARE THE STEPS?

Step 1 Preliminary Review - Prior to submittal of a formal application, it is recommended that the applicant discuss the preliminary proposal with staff. The staff can, if requested, respond back in writing regarding the project conformity with the Zoning Ordinance, environmental and neighborhood concerns which may be involved, applicable site planning, building design, landscaping, and other criteria.

Step 2 Filing the Application - Application for a minor use permit should be made on the Community Development Department's Application for Development Review form. The application form must be accompanied by the additional supporting materials specified by the Community Development Department, including plans, drawings, and other project description information necessary to permit adequate review of the proposed action. A filing fee will be required for each minor use permit application in the amount set by the City Council.

A Community Development Department staff member will be assigned to review the application materials for completeness. Additional information may be required as staff review of the project progresses.

Step 3 Environmental Review - Because the secondary unit provisions in the zoning ordinance only apply to property zoned for single-family use, all applications have been deemed, by the City Council in the City's CEQA guidelines to be what is called categorically exempt (Exemption Classification 15303). Thus, the city does not need to do any further environmental review, although under special circumstances can require further evaluation.

Step 4 Zoning Administrator Review - The Zoning Administrator is required to hold at least one public hearing on the minor use permit application. The hearing will be held within 45 days of the application filing date. At least 10 days prior to the hearing, a notice will be mailed to all property owners and residents within 300 feet of the proposed use.

At the public hearing testimony from the applicant and other interested persons will be taken. The Zoning Administrator may then close the public hearing and make a decision to approve or deny the request, or may postpone the decision or may continue the public hearing to a later date so that more information can be provided. After a Zoning Administrator decision is made, that decision will become final within 10 days unless an appeal is filed as described below.

Step 5 Architectural Review - Following Zoning Administrator approval of the request, almost all secondary unit applications will involve either construction or building facade changes and are subject to the City's site plan and Architectural

Commission review requirements (certain specified minor projects are exempt). The Architectural Review Commission has a separate applicant guide which can be obtained from the Community Development Department. Applicants are encouraged to apply for all approvals at the time of the original application to allow for concurrent processing.

Step 6 Building Permit Issuance - After 10 days have elapsed from Zoning Administrator and Architectural Review Commission approval, whichever is later, and all application approval requirements and related ordinances have been complied with, the City Building Inspector may issue a Building Permit if one is required. The Building Inspector will then work to ensure that the project is completed in compliance with all permits, approved plans and related conditions.

WHAT MUST BE SUBMITTED?

All submittal information required in the General Submittal Requirements Checklist shall be presented including the Application for Development Review form and related fees to the Community Development Department before the application can be accepted as complete.

MAY A DECISION BE APPEALED?

You or anyone else who is dissatisfied with the decision of the Zoning Administrator may appeal that decision to the Planning Commission. To appeal, a written statement, and filing fee, must be filed with the Community Development Director within 10 days after the decision is made at a public meeting. A public hearing will then be set before the Planning Commission to consider the appeal.

If no appeal to a decision is filed within 10 days, the decision will be considered final.

WHEN DOES THE ZONING ADMINISTRATOR MEET?

The Zoning Administrator holds Public Hearings on the first and third Wednesday of each month, as necessary. These meetings commence at 2:00 p.m. and are held in the City Council Chambers.